

**REMARKS**

Claim 1 has been amended to incorporate the limitations of 16 and 17. Claims 2, 3, 16, 17, 23 and 51 have been cancelled. The claims have also been amended to avoid inappropriate multiply dependent claims. Method claim 42 has been amended so that its scope is commensurate with claim 1.

New claims 52-75 have been added.

New claim 52 is based on original claim 18 with the addition that the first discharge channel and second discharge channel are at least partly combined to form a single smoke discharge channel. The words "at least partly" are added to reflect the situation of the embodiments of figures 1, 2, 3 and 6A-6B. For instance, in the embodiment of figures 2 and 3, both the first discharge channel (suction channel 52) and the second discharge channel (48,48') debouche into one common discharge channel (48), hence a single smoke discharge channel.

New claim 53 is supported by the description, for instance page 18, line 20 - page 19, line 24, especially page 19, lines 12-14).

Claim 55 is based on the description, page 24, lines 28-32. Claim 56 corresponds to original claim 34 and corresponding parts of the description. Claim 57 is based on the description (for instance, page 15 lines 11-14). Claim 58 is based on original claim 37.

***Claim Rejections - 35 USC § 112***

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 has been cancelled obviating this rejection.

Claims 8-22 and 24-41 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. These claims have been amended to change dependency.

***Claim Rejections - 35 USC § 102***

Claims 1, 3, 4, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rehder et al. (US 5,529,078).

### Two discharge channels

US 5 529 078 (Rehder) discloses a smoker's box wherein smoke from a cigarette is guided through a filter so as to reduce the pollution caused by the smoke of the cigarette. Both smoke from the burning cigarette in the standby situation and smoke exhaled by the smoker in the exhaling situation are discharged via the same discharge passage. However, the flow rate of the smoke of the burning cigarette in the standby situation is much lower than the flow rate of the smoke in the exhaling situation. Consequently, in the standby situation the discharge capacity needed to discharge the smoke of the burning cigarette is lower than the discharge capacity needed in the exhaling situation. The discharge passage in Rehder is either optimized for the standby situation or for the discharge situation.

According to present independent claim 1 the device comprises two discharge channels, one for discharge of exhaled smoke and one for secondary smoke. This aspect of the invention is not disclosed in the prior art of record.

### Combination of filters

Another novel aspect of the invention is described in independent claim 54. This claim relates to a combination of an electrostatic filter unit, a HEPA filter unit and an absorption filter unit. Rehder discloses a smoking apparatus wherein the smoke is discharged through a HEPA filter 106 (cf. column 5, lines 14-20; column 4, line 41) and a smoke treatment chamber 104, the treatment chamber comprising charcoal granules (cf. column 4, lines 54-56). However, there is no suggestion in this document of the claimed combination of filters.

Claims 1- 3 and 23 are also rejected under 35 U.S.C. 102(b) as being anticipated by Waite (US 4,200,114).

Waite discloses a passive filtering device, i.e. a filtering device without the one or more fans for generating one or more gas flows in the tobacco smoke discharge. The present claims define an active filtering device, i.e. a device provided with battery-operated fans to forcedly discharge the smoke gasses.

A further drawback of the Waite reference is that the smoke exhaled by the smoker is exhaled into the combustion chamber (combustion chamber 19, figure 1). This exhaled smoke contains an amount of fresh air to help maintain the combustion of the tobacco in the combustion chamber (column 3, lines 12-22). However, if the smoker does not exhale smoke for a longer period of time, there is no inflow of fresh air to maintain the combustion in the combustion chamber. According to embodiments of the present invention, however, the fans provide for a continuous supply (and discharge) of fresh air to the combustion chamber so that the combustion in the combustion chamber is continuously supported.

The claims are therefore novel over Rehder and Waite.

***Claim Rejections - 35 USC § 103***

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rehder et al. (US 5,529,078) as applied to claim 1 above, and further in view of Fariello (US 3,804,100).

Claim 6 has been cancelled.

The Commissioner is authorized to charge any additional required fees, including fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0310 (File No.:067670-5012).

If there are any questions with regard to the foregoing, please call applicant's attorney at 415-442-1255.

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